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SMITHKLINE BEECHAM CORPORATION d/b/a
7 GLAXOSMITHKLINE and McKESSON
CORPORATION
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 RONALD T. HAMMER
14 REPRESENTATIVE OF THE ESTATE
OF RETHA M. SPAIN (DECEASED),

15 Plaintiff,

16 v.

17 SMITHKLINE BEECHAM
CORPORATION d/b/a
18 GLAXOSMITHKLINE and McKESSON
CORPORATION,

19 Defendants.
20
21

Case No. CV-08-3394 WDB

**STIPULATION AND [PROPOSED]
ORDER EXTENDING
DEFENDANTS' TIME IN WHICH
TO RESPOND TO COMPLAINT**

22 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that the
23 time within which defendants SMITHKLINE BEECHAM CORPORATION d/b/a
24 GLAXOSMITHKLINE ("GSK") and McKESSON CORPORATION ("McKesson") (collectively
25 "Defendants") may move, answer, or otherwise respond to Plaintiff's Complaint shall be
26 governed by the Pretrial Orders entered in the multi-district litigation, *In re Avandia Marketing,*
27 *Sales Practices and Products Liability Litigation*, MDL 1871 (E.D. Pa.) before the Honorable
28

Cynthia M. Rufe, of the United States District Court for the Eastern District of Pennsylvania.¹

Pursuant to Local Rule 6-1, stipulations which alter the date of any event or any deadline already fixed by the Court require court approval. Although the parties believe this stipulation will have no such effect, to the extent that it does, the parties request that this Court approve the proposed order below, allowing the time frame for Defendants to move, answer, or otherwise respond to Plaintiff's Complaint to be governed by the Pretrial Orders entered in the multi-district litigation, *In re Avandia Marketing, Sales Practices and Products Liability Litigation*, MDL 1871 (E.D. Pa.).

IT IS SO STIPULATED:

Dated: July 28, 2008

DRINKER BIDDLE & REATH LLP

By: /S/ Krista L. Cosner

Krista L. Cosner
Attorneys for Defendants
SMITHKLINE BEECHAM
CORPORATION d/b/a
GLAXOSMITHKLINE and McKESSON
CORPORATION

Dated: July 28, 2008

THE MILLER FIRM, LLC

By: /S/ David Andersen

David Andersen
Attorneys for Plaintiff
RONALD T. HAMMER

Pursuant to stipulation, IT IS SO ORDERED:

Dated:

United States District Court, Northern
District of California

¹ The above-entitled action was tagged for transfer to MDL 1871 and awaits transfer by the Judicial Panel on Multidistrict Litigation.